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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,692	01/19/2002	Catherine Lin-Hendel	Lin-Hendel - Auto Scroll	3788

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EXAMINER
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BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/052,692

**Applicant(s)**

LIN-HENDEL, CATHERINE

**Examiner**

Raymond J. Bayerl

**Art Unit**

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 – 24, 27 – 34, 36 – 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Berstis et al (“Berstis”; U.S. Patent Number 5,874,936).

As per independent claim 1, Berstis discloses a “method of automatically scrolling” comprising the steps of:

“placing a cursor on a respective end of a floating border structure” (Figure 2 item 40 & 42); and

“in direct response to step (a), automatically scrolling through content extending beyond a display window into a field of view of the display window in a predetermined direction designated by the end” (col. 2 lines 7-9).

In Berstis, when the cursor 38 is positioned to be placed at one side of a screen such as item 32, the contents of the window are automatically scrolled in the selected direction (Abstract). This means that “the step of automatically scrolling is performed without user input” beyond the positioning commands, which bear analogy to the way a mouse might move a pointer on a screen. Once the cursor in Berstis is placed at the boundary, the scrolling is then automatically performed.

The control “structure” enacted at a Berstis boundary of the window is both “floating” (it is not directly seen in the window image, and thus a superimposition) and related to a “border”, beyond which an attempt at cursor positioning merely results in continued scrolling of the window. Thus, the scrolling occurs as a “direct response” to

the entries that bring the cursor to the edge 40 or 42. The “end” portions of this control are at the two opposite sides of the window 32 screen.

Regarding claim 2 (see also claim 12), Berstis’s automatic scrolling upon reaching a boundary is a teaching that “the floating border structure has a top end and a bottom end” (col. 2 line 66 - col. 3 line 1 & Figure 2 item 32-36). In Figure 2, items 32-36 have floating border structures on the top and bottom of the screen, since a vertical scroll operation is possible. The two directions of scrolling; “down” and “up” at the “top end” and “bottom end” are the directions in which Berstis’s content would appear to move.

Concerning claim 3 (see also claim 13), Berstis discloses that the floating border structure has a “right-side end and a left-side end” (col. 2 line 66- col. 3 line 1 & Figure 2 item 32-36), and thus, the “right-side end” placement of the cursor will result in scrolling to the “left”, and “left-side end” placement will scroll the contents to the “right”.

As per claims 4, 18 in Berstis, “moving the cursor away from the respective end” will result in ordinary cursor movement within a window such as 32. Thus, “directly in response to the step (c), automatically stopping the step (b)” takes place upon such cursor relocation instructions being entered.

In regard to claim 5, Berstis discloses that it was known in the art to perform a Page Down (PgDn) and Page Up (PgUp) operation during scrolling (see col 1, lines 36 – 40), and thus, Berstis teaches that “border structure”-based scrolling will result in “pausing the step (b)” “if a full-screen shift of the content has occurred”.

As per claim 6, Berstis, when performing the Page operation, will pause the scroll, prior to receiving user input such as another invocation of the command. Thus, were a “mouse” being used to control Berstis’s cursor as an equivalent cursor-positioning means, this means waiting for the only affirmative continuance instruction available, “clicking a left key”.

In regard to claims 7, 14, Berstis discloses the display window is a “browser window, and the content is a page” (col. 2 lines 63-65): Contents may include representations of files, folders, documents, databases, and spreadsheets, etc. Alternatively, the window 12 may also be said to display information which may include text, video images, graphic data, database records or spreadsheet cells.

In regards to claims 8, 15, 16, Berstis states “the floating border structure is” both of “a floating line or floating box”, as in the linear regions at the edge of a window at which cursor positioning results in scrolling (Figure 1 item 20 & Figure 2 items 40 and 42).

As in claim 9, Berstis performs “one of” the list of alternative items when “activating a user control” (the cursor 38) will “begin automatic scrolling”.

Independent claim 10 is similar in many respects to claim 1, and is generally rejected for reasons similar to those given above. The edge 40 or 42 on the Berstis screen also anticipates “at least one direction indicator of a plurality of direction indicators”, being at one direction relative to the content in the window.

As per independent claim 11, which is also generally similar to claim 1, the 4 edges of the rectangular Berstis window form pairs to read upon the “first floating border

structure” “in a vertical plane” and “a second floating border structure” “oriented in a horizontal plane”.

Concerning claim 17, the implementation of Page mode scrolling in Berstis will result in “automatic scrolling” that “is limited to a full-screen shift”.

The introduction of “a second display window having a second field of view” in claim 19 is anticipated by Berstis’s disclosure of plural windows in the arrangement of items 32, 34. The “second display window” has the same “sub-border structure” controls as the “main display”, these controls having been treated in the discussion above.

As per claim 20’s “at least two of” in the “plurality of autoscrolling controls”, Berstis’s use of Page mode scrolling, which requires positive user input to advance to the next page, will involve both “a go button” and “a page button”.

As per independent claim 21’s “displaying on a display of a computer a page of the website” and “during the displaying step, automatically scrolling the page” (see also independent claim 31), this is the result of Berstis’s automatic scrolling at the edge of the window, once the user has entered a positioning command at that location. As a result of this operation, Berstis’s user will then see continued display of content, “while the user of the computer does nothing”. As in independent claim 31 in particular, it will “push and allure navigation” by its presentation.

Concerning claims 22, 32, if Berstis’s presentation of representations of files, folders, documents, databases, and spreadsheets, etc. has applicability to content extending to “a website”, inherently shown in the display will be “multiple categories

wherein each category has multiple sub-categories", and "displaying a floating dynamic instruction box overlaid on the page that displays navigational links" is then part of displaying the edges of the window, beyond which automatic scrolling begins. Upon seeing the additional hierarchically-arranged web content, "alluring the user to further navigate" is the result.

As per claims 23, 33, Berstis, in extending to a "website", will inherently show some form of "home page", as at least a default upon opening.

In regards to claims 24, 34, it is also an inherent property of a "page" such as that of a website to include a "blinking picture or link". This property is at the heart of the HTML definition and widely used. Should the user follow such a link, "dynamically changing the floating dynamic instruction box" to respond to the new page window occurs, "in response the at least one blinking picture".

Concerning claims 27, 36, Berstis's "website" applicability means that a shown "page includes at least two independent windows" (Figure 2 item: 32-34), and in operations upon these, "automatically scrolling independently the at least two independent windows" (claims 28, 37) becomes an inherent result. By selective operations via the cursor, it becomes possible for this independent scrolling to occur "at a first speed" in the "first" and "a second speed different from the first" (claims 29, 38) in the "second". Such selection also permits "manually scrolling" one window and "continuously, automatically scrolling a second" (claims 30, 39).

3. Claims 25, 26, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis in view of Bates et al ("Bates"; U.S. Patent Number 6,222,541).

In regard to claims 25, 35, Berstis shows the ability to automatically scroll through documents that are displayed in a window. If the information exceeds the window size, the user has the ability to automatically scroll through the information using a pointing device that is connected to the information processing system, but Berstis does not **explicitly** disclose all of “automating sequences of blinking links in the page; and, activating the blinking links of the sequences to automatically and sequentially push navigation within the website.”

However, Bates discloses a method for locating and selecting hypertext links, and redirecting the web user to the selected web page. This is done by highlighting links to make them stand out compared to the HTML text (col. 9 lines 8-12).

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Bates’s highlighting and locating text method with Berstis’s automatic scroll apparatus, because in Berstis the window may be said to display information that includes text, video images, graphic data, database records or spreadsheet cells (col. 2 lines 63-65), and the Bates web user simply navigates to a web page and scrolls through the web page using the slider on the scroll bar (col. 3 lines 9-12), thus seeing the results of “automating sequences of blinking links”.

The motivation for such a combination resides in the number of web users such as would use a Berstis window, which continues to grow: it becomes useful for a web user to be able to quickly and efficiently locate and select hypertext links embedded in web pages in the style of Bates.



As per claim 26, "user demographics or profile" are always a part of the personalized decisions to navigate in a system like Bates, which then affects the "sequences" seen.

4. Applicant's arguments filed 27 October 2006 have been fully considered but they are not persuasive.

At page 11 of the response, applicant notes that "In affirming the Examiner's rejection [the one currently applied above], members of the panel of the Board of Patent Appeals and Interferences noted that they 'do not necessarily disagree with Appellant that the disclosure of Bertis does not provide the automatic scrolling feature disclosed by appellant...".


But applicant has still failed to represent this "disclosed" operation, by simply amending the claims so that "the step of automatically scrolling is performed without user input" (independent claim 1 quoted as exemplary). Bertis performs automatic scrolling, once the user has positioned the pointer on the "floating border structure". There is no further entry required by the user beyond this pointer movement, and as in the claim, "automatically scrolling is performed without user input" other than that used for "placing a cursor on a respective end of a floating border structure". Thus the 102 and 103 rejections continue to apply, despite the amendment attempt.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

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6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

6 December 2006